

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

HOLLY NYGAARD and)	C/A: 4:20-CV-00233-JD
QUANEL GEE, on behalf of themselves)	
and all others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	JOINT
)	STIPULATION
BEACH HOUSE HOSPITALITY)	
GROUP, LLC d/b/a)	
BEACH HOUSE BAR & GRILL; and)	
EREZ SUKARCHI, individually,)	
)	
Defendants.)	

Plaintiffs, Holly Nygaard (“Nygaard”) and Quanell Gee (“Gee”), on behalf of themselves and all others similarly situated (all jointly “Plaintiffs”), by and through their undersigned counsel, along with Defendants Beach House Hospitality Group, LLC d/b/a Beach House Bar and Grill and Erez Sukarchi, individually (all jointly “Defendants”) (Plaintiffs and Defendants jointly “Parties”), by and through their undersigned counsel, hereby agree to this Joint Stipulation.

1. As to ECF 83 and ECF 83-1, Defendants withdraw, with prejudice, the portion of the Motion and the Memorandum in Support “with regard to (1) Plaintiffs’ claims that Defendants violated Section 203(m) of the FLSA by distributing a portion of the tips that Plaintiffs contributed to the Beach House tip pool to employees who did not customarily and regularly receive tips (i.e., kitchen and janitorial employees).” The remaining portion of the motion, “(2) Plaintiffs’ claims that Sukarchi, individually violated the FLSA and South Carolina Payment of Wages Act” remains as a valid motion.
2. Defendants withdraw, with prejudice, ECF 84 and 84-1.

Stipulation
C/A: 4:20-CV-00233-JD

3. In consideration of the foregoing, Plaintiffs will file a Fourth Amended Complaint, a copy of which is attached to this Stipulation as Exhibit 1, removing allegations that Defendants violated the FLSA by redistributing tips within the Beach House tip pool¹ to employees who did not customarily and regularly receive tips (i.e., kitchen and janitorial employees).
4. Plaintiffs shall not introduce at trial any evidence that tips they contributed to the Beach House tip pool were redistributed by Defendants to employees who did not customarily and regularly receive tips (i.e., kitchen and janitorial employees).
5. Except as limited above, the Parties retain all rights that they have under the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

WE SO MOVE:s/Bruce E. Miller

Bruce E. Miller, Esq. (Fed Bar No. 3393)
BRUCE E. MILLER, P.A.
147 Wappoo Creek Drive
Suite 603
Charleston, SC 29412
T: 843.579.7373
F: 843.614.6417
bmiller@brucemillerlaw.com

ATTORNEY FOR PLAINTIFFSDate: March 14, 2022**WE SO MOVE:**s/Benjamin A. Baroody

Benjamin A. Baroody, Esq. (Fed. Bar No. 9442)
Holly M. Lusk, Esq. (Fed. Bar No. 12587)
BELLAMY, RUTENBERG, COPELAND, EPPS,
GRAVELY & BOWERS, P.A.
1000 29th Avenue North,
Myrtle Beach, SC 29577
T: 843.448.2400
F: 843.448.3022
bbaroody@bellamylaw.com
hlusk@bellamylaw.com

ATTORNEYS FOR DEFENDANTSDate: March 14, 2022

¹ Which tips went into “pile number two (2),” according to testimony of record.